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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,328	03/31/2004	Erik D. N. Monsen	F-800	5334
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/814,328

Applicant(s)

MONSEN ET AL.

Examiner

ROB WU

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: step (d) should recite one or more mail pieces. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pub No. 2003/0101147 to Montgomery et al.

Referring to claim 1:

a method for providing proof of mailing one or more mail pieces by a mailer, the method comprises the steps of:

- (a) placing an identification code on individual mail pieces with a postage meter at a location other than a post office, wherein the identification code identifies the recipient of the mail piece and uniquely identifies individual mail pieces; [0112]
- (b) transmitting the identification code to a data center; [0108]-[0110], [0184]
- (c) depositing one or more mail pieces with the post office at the post office or at a location other than the post office; [0184]

(d) attempting reading by the post office at a location other than the post office or at the post office the identification code that is on one or more mail pieces; [0184], (Fig 31)

Montgomery et al does not expressly disclose the step: (e) retrieving the identification code from the data center and the identification code read by the post office; However, since the delivery status are updated after the mail pieces if read by the postal authority, it would be obvious that the identification code is retrieved from the database.

and

(f) notifying the postage meter that individual identification codes have been received by the data center and individual mail pieces identification codes have been read or not read by the post office. [0184], (Fig 31)

Referring to claim 2:

the method claimed in claim 1, wherein the postage meter is an electronic postage meter. [0104]

Referring to claim 3:

the method claimed in claim 1, wherein the postage meter is a computer postage meter with a secure storage device. [0104], [0127]

Referring to claim 4:

Montgomery et al does not expressly disclose printing at the postage meter a certificate indicating that the identification code has been read by the post office. However, Montgomery does disclose that the status of the mailpiece is update by the

central computer, and the status can be checked on a webpage (Fig 27). Therefore it would have been obvious at the time of the invention for a certificate indicating that the identification code has been read by the post office to be printed at the postage meter.

Referring to claims 5 and 6:

Montgomery et al disclose storing a date and time of when the mailpiece was read. Montgomery et al does not expressly disclose printing on the certificate the date and time the mail pieces was read. However, it is well known in the arts for the status of the mailpiece to be printed for evidence purposes, therefore it would have been obvious for Montgomery et al to also print the date and the time of when the mailpiece was read for evidence purposes.

Referring to claim 7:

the method claimed in claim 1, further including the step of:

printing at the postage meter a certificate indication that the identification code has not been read by the post office after a certain period of time has elapsed after the data center has received the identification code from the meter. [0186]

Referring to claim 8:

the method claimed in claim 1, wherein the identification code is a unique number. [0078]

Referring to claim 9:

the method claimed in claim 1, wherein the identification code comprises: the serial number of the postage meter, and the date and time that the identification code was affixed to the mail piece. (Table 2)

Referring to claim 10:

the method claimed in claim 1, further including the steps of:

- (a) printing a postal indicia on the mail piece for the payment of postage and any related postal fees; (Fig 2) and
- (b) charging the postage meter for printing the postal indicia. [0187]

Referring to claim 11:

the method claimed in claim 10, further including the step of:

refunding the postage meter account for part or all of the postage and fees that have been places on mail pieces having identification codes that have not been read by the post office after a certain period of time has elapsed after the data center has received the identification code from the meter. [0187]-[0189]

Referring to claims 12-14:

Montgomery et al does not expressly disclose notifying the mailer via telephone, e-mail, or facsimile that individual identification codes have been received by the data center and individual mail piece's identification codes have been read or not read by the post office. However, Montgomery et al does disclose that the mailpiece status can be checked on a website (Fig 27). Telephony, e-mail and facsimile are well known notification methods in the arts. Therefore, it would have been obvious at the time of the invention for one ordinary skilled in the arts to substitute the website with telephone, e-mail or facsimile to notify the mailer of the mailpiece status.

Referring to claim 15:

the method claimed in the claim 1, further including the steps of:

identifying the mailer's reference number of the document contained in the mail piece. (Table 3)

Referring to claim 16:

the method claimed in claim 15, further including:

(a) printing at the postage meter a certificate indicating that the identification code has not been read by the post office after a certain period of time has elapsed after the data center has received the identification code from the meter; (Table 3)

and

Montgomery et al does not expressly disclose the step (b) printing the mailer's reference number on the certificate of induction. However, since the reference number is known, it would have been obvious to print the reference number on the certificate of induction.

Referring to claim 17:

Montgomery et al does not expressly disclose printing the mailer's name on the certificate of induction. However, it would have been obvious for Montgomery et al to print the mailer's name on the certificate of induction to facilitate the identification process.

Referring to claim 18:

Montgomery et al disclose that the mailpiece status can be tracked and checked. (Fig 27) Montgomery et al does not expressly disclose printing at the postage meter a certificate indicating that the identification code has been read by the post office and printing the mailer's reference number on the certificate of induction. However, it would

have been obvious at the time of the invention for Montgomery et al to print the status of the mailpiece along with the mailer's reference number. Montgomery et al would have been motivated to do so to provide the mailer with a record of the mailpiece status.

Referring to claim 19:

Montgomery et al does not expressly disclose printing the mailer's name on the certificate of induction. However, it is well known in the arts at the time of the invention for the mailer's name to be printed on the certificate of induction for identification and evidence purposes. Therefore it would have been obvious at the time of the invention for Montgomery et al to also print the mailer's name on the certificate of induction for identification and evidence purposes.

Conclusion

4. Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROB WU whose telephone number is (571)272-3136. The examiner can normally be reached on Mon-Fri 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571)272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rob Wu/
Examiner, Art Unit 3628

/JOHN W HAYES/
Supervisory Patent Examiner, Art Unit 3628